

## **REMARKS**

Please reconsider the claims in the application in view of the remarks below.

### **Claim Rejection – 35 U.S.C. §103(a)**

The Office Action rejected claims 1, 2, 12-15, 25 and 26 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,405,315 (“Burns”) in view of U.S. Patent No. 6,959,384 (“Serret-Avila”). Of the pending claims, claims 1, 14 and 25 are independent. In this reply, without conceding to the propriety of the rejections, applicant is amending independent claims to further clarify what is being claimed. Support for the amendment can be found on page 5, paragraph [0016] of the originally submitted specification.

According to MPEP §2142, a required prong in establishing a prima facie case of obviousness is that the prior art references when combined must teach or suggest all the claim limitations.

Burns and Serret-Avila do not disclose or suggest every element claimed in independent claims as amended. The Office Action concedes that Burns fails to disclose or suggest storing integrity tree on the client device. The Office Action, however, alleges that Serret-Avila discloses that element. Applicant respectfully disagrees. Serret-Avila, in Col. 15, lines 7-11 explicitly disclose that, “the user first obtains the content file and its corresponding signature and hash tree (1102). For example, the user’s system 204 may receive these data from network 203 or a disc 280 inserted into disc drive 258.” Thus, it is clear that Serret-Avila does not disclose, suggest or teach that the root of the integrity tree is stored or kept on the client device. Rather, Serret-Avila needs to retrieve its hash value from the network.

In the present application as claimed in independent claims, a customer keeps the root on his computer. Since the root of the integrity tree resides in the customer computer, no one (or process) can tamper with the contents of the network-attached storage device without being detected. Since the customer keeps the root of the integrity tree, he can determine whether a change has occurred, e.g., whether his data has been tampered with.

Serret-Avila does not disclose or suggest to store integrity values of a tree structure comprising layers of integrity values that protect the integrity of the initial layer of integrity values or a root that stays on the customer computer to protect all the data sent to the storage system. To reiterate, Serret-Avila appears to download the hash values from a network when its user needs them.

For at least the above reason, applicant believes that independent claims 1, 14 and 25 and their respective dependent claims at least by virtue of dependency are not obvious over Burns and Serret-Avila.

#### Claim Rejection – 35 U.S.C. §103(a)

The Office Action rejected claims 3, 7-8, 10, 11, 20, 21, 23, 27, 29-32 under 35 U.S.C. §103(a) as allegedly being unpatentable over Burns in view of Serret-Avila and further in view of U.S. Patent No. 6,931,543 (“Pang”), in view of U.S. Patent No 5,124,117 (“Tatebayashi”). Claims 4, 17 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Burns and Serret-Avila in view of U.S. Patent No. 5,608,801 (“Aiello”). Because those references fail

to disclose or suggest what Burns lacks as explained above with respect to independent claims, those claims also are believed to be unobvious over the cited references.

In view of the foregoing, this application is now believed to be in condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference might expedite prosecution of this case, applicant respectfully requests that the Examiner call applicant's attorney at (516) 742-4343.

Respectfully submitted,

  
Steven Fischman

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, N.Y. 11530  
(516) 742-4343

SF:EP:me